

From: POLITICO Pro Energy
To: megan_bloomgren@ios.doi.gov
Subject: Morning Energy, presented by Trout Unlimited: Senate primed to decide methane rule's fate today — Huge workload awaits Trump's FERC picks — No contamination reported after Hanford tunnel collapse
Date: Wednesday, May 10, 2017 4:47:48 AM

By Anthony Adragna | 05/10/2017 05:42 AM EDT

With help from Alex Guillén and Eric Wolff

METHANE RULE MEETS ITS FATE: After months with its fate shrouded in uncertainty, the Obama administration rule to reduce methane emissions from oil drilling on public lands will face a procedural vote today at 10 a.m. in the Senate ahead of a subsequent filibuster-proof Congressional Review Act vote. Republicans projected confidence Tuesday that the measure would pass, but admitted the vote to kill the regulation would be close and subject to some late-breaking lawmakers voting their way. "I think we're okay, but it has tended to move around and some folks are being a bit guarded," Sen. [John Hoeven](#) told ME the night before the vote. Backers of the CRA resolution got some good news when Sen. [John Thune](#) told reporters a bloc of corn-state lawmakers seeking a waiver to allow sales of 15 percent ethanol blended fuel year-round were [mostly behind](#) the measure. Assuming the votes are there, expect the Senate to send President Donald Trump his last CRA measure to sign by the end of the day.

Key votes to watch: Publicly undecideds include Sens. [Cory Gardner](#) (R-Colo.), [Heidi Heitkamp](#) (D-N.D.), [Dean Heller](#) (R-Nev.) and [Joe Manchin](#) (D-W.Va.). Senate Judiciary Chairman [Chuck Grassley](#) pointedly declined to tell ME how he'd vote on the CRA late Tuesday. One other wildcard is Sen. [Johnny Isakson](#), who's recovering from back surgery and hasn't voted so far this week.

Unproven promises: One key vote CRA backers got was that of Sen. [Rob Portman](#), who signed on after Interior Secretary Ryan Zinke promised to address the lost revenue and the emissions of methane through a new rule based on different economic impacts. But as Pro's Ben Lefebvre [reports](#), that rationale hasn't been tested in court and the CRA bars issuing rules "in substantially the same form" without specific congressional authorization. Zinke's reasoning surprised at least one former Interior Department official. "There's no interpretations of what that 'substantially similar' language means. So that's total speculation on their part," said David Hayes, a fellow at the Center for American Progress. And the Western Values Project filed a [FOIA request](#) Tuesday seeking communications between Portman's office and Interior prior to the senator's backing of the resolution.

Never too late: The American Petroleum Institute sent [a letter](#) to Senate leadership Tuesday afternoon urging them to carry the CRA across the finish line. "This rule from BLM, an agency which lacks the authority and expertise to regulate air quality, is an unnecessary layer of federal regulation," Jack Gerard, the group's president, wrote.

WELCOME TO WEDNESDAY! I'm your host Anthony Adragna, and Matt Herdman was the first to identify the six current senators (Cruz, McCain, Bennet, Van Hollen, Hirono and Duckworth) who were born outside the U.S. For today: What Supreme Court justice twice led the NFL in rushing yards? Send your tips, energy gossip and comments to adragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPRO](#).

DAUNTING WORKLOAD AWAITS FERC PICKS: Trump's two FERC nominees — Neil Chatterjee, a senior energy adviser to Senate Majority Leader [Mitch McConnell](#) and Robert Powelson, a Pennsylvania regulator — will face a mountain of decisions about the future of power markets, the agency's relationship with the states, and its approach to enforcement once confirmed, Pro's Darius Dixon [reports](#). There's already a traffic jam of energy infrastructure projects needing the leadership's blessing, and staff have been lining up draft orders for new commissioners to review as soon as they're sworn in. And there's arguably no bigger task they'll face than addressing a growing number of state-level policies tailored to support specific energy sources — such as nuclear incentive programs recently approved in New York and Illinois — that are complicating the markets under FERC's jurisdiction.

What's next? Senate Energy and Natural Resources Chairman [Lisa Murkowski](#) wants to move quickly on the picks. "The FERC has been without a quorum since early February and they need the ability to get to work," she told reporters Tuesday. She also said she intends to move nominees through her committee as their paperwork comes in rather than trying to package three or four agency picks together.

SERIOUS SITUATION AT HANFORD: No contamination has been found, but officials are still figuring out how to address a partial cave-in of a tunnel at the Hanford Cold War nuclear weapons cleanup site in eastern Washington. In a statement late Tuesday, an Energy Department spokesman said: "The incident is moving from the emergency phase towards the recovery phase. After extensive testing the site remains confident at this point that there has been no indication of worker exposure or an airborne radiological release." Workers first discovered the situation during a routine inspection of the storage tunnel containing rail cars full of radioactive equipment on Tuesday morning. Here's the [emergency webpage](#) from Hanford on the incident.

ZINKE WRAPPING UP UTAH TREK: It's the final day of Zinke's four-day visit to national monuments in Utah and today he'll tour the Grand Staircase-Escalante National Monument, the designation of which is under review by the Trump administration. After his second day touring the controversial Bears Ears National Monument, the Interior chief told [one local station](#): "I think there's a solution out there." His day Tuesday included [a rainy hike](#).

More than 100 hunting and fishing businesses sent [a letter](#) Tuesday voicing support for "responsibly" using the Antiquities Act to protect public lands. "The Antiquities Act is a tool, and like any tool there is a right and wrong way to use it," they wrote. "We oppose any effort to undermine Theodore Roosevelt's legacy by undoing or modifying it."

WHAT ARE WE DRINKING? The Safe Drinking Water Act was supposed to eliminate toxins from American tap water. But not a single new contaminant has been banned under the act in the past 20 years, even as thousands of new chemicals have come onto the market. Even well-known toxins, like a rocket fuel ingredient called perchlorate, long known to damage brain development, remain in the drinking water of dozens of states. POLITICO Pro's Annie Snider [investigates](#) in The Agenda how the most important law protecting our water got trapped between bureaucracy and the changing science — and got stuck there.

**** A message from Trout Unlimited:** For over 50 years, Trout Unlimited has been dedicated to conserving, protecting and restoring North America's coldwater fisheries and watersheds on behalf of today's anglers and coming generations of sportsmen and women. Join us as we support America's public lands and national monuments: <http://bit.ly/2paVoYB> **

NEXT STEP ON ESA MODERNIZATION: Senate EPW takes its [next step](#) today toward action on one of Chairman [John Barrasso](#)'s top priorities: overhauling the Endangered Species Act. Lawmakers will get testimony from three state officials on the whether to strengthen the statute, their capacities in species conservation and their existing roles in the process. The witnesses are: [Nick Wiley](#), executive director of the Florida Fish and Wildlife Conservation Commission; [Larry Voyles](#), director of the Arizona Game and Fish Department; and [Janet Coit](#), director of the Rhode Island Department of Environmental Management. "I believe a bipartisan modernization bill can be developed to reform the ESA in a manner that improves efficiency and effectiveness and maintains the Act's original intent," Coit will say. The hearing kicks off at 10:30 a.m. in Dirksen 406.

ICYMI: Be sure to check out POLITICO's [searchable database](#) of everyone who has had individual interactions with Trump. Among the people who've met with the president from the energy world: American Energy Corp.'s Casey Crooks; Boich Companies' Matt Evans; Cambridge Energy Research Associate's Daniel Yergin; three people from GE; two people with Koch Industries; six people with Murray Energy Corp., including two interactions with Robert Murray; the National Mining Association's Hal Quinn; the Nature Conservancy's Lynn Scarlett; Harrison County Coal Company's Scott Martin; Marion County Coal Company's Michael Nelson; Marshall County Coal Company's Eric Grimm and TransCanada's Russ Girling. Send any names we may have missed to us at trumpvisitors@politico.com.

NORTH DAKOTA GOES FIRST ON CARBON WELLS REGULATION: Hoeven got a long-held wish yesterday when EPA Administrator Scott Pruitt signed a proposed rule granting North Dakota primacy over the federal government when it comes to regulating long-term storage wells for carbon dioxide, Pro's Eric Wolff [reports](#). Hoeven has been laboring since 2009, when he was governor, to create a regulatory structure for those storage wells. The proposed rule will put regulation of the wells, along with certifying that they won't leak carbon back into the atmosphere, in the hands of the state. An EPA spokesperson told ME that North Dakota is the first and only state to ask for primacy on these wells. David Hawkins, director of climate programs for the Natural Resources Defense Council, said his group hasn't reviewed the rule yet, but in general it prefers a single federal rulebook for long-term carbon storage. "The characteristics of a well don't change based on which state they're under," he told ME.

BLANKENSHIP OUT OF CUSTODY TODAY: Don Blankenship is out on the streets today, released from a California prison where he served out a year following his misdemeanor conviction related to the 2010 Upper Big Branch mine disaster that killed 29 of his workers. Blankenship actually transitioned to [home](#) confinement back in March, according to the Bureau of Prisons, and he still has one year of supervised release to go. While in prison and pursuing appeals that ultimately failed, Blankenship maintained he was railroaded by federal prosecutors and, in a booklet apparently composed in prison, portrayed himself as a "[political prisoner](#)." (He also broke his silence to [tweet](#), two days before the election, that "Americans need to elect Donald Trump to build a wall.")

MAIL CALL! ANSWERS SOUGHT ON ADVISER DEPARTURES: Top Senate EPW Democrat [Tom Carper](#) wants details from Pruitt on the decision not to reappoint 12 scientists to the agency's Board of Scientific Counselors. "I am concerned that with these planned actions, along with previous steps you have taken to remove mention of climate change from EPA's website, censor the analysis of EPA's career staff and deny the consensus scientific views about the cause of climate change, you are engaging in a broad approach of denying the science that forms the basis of sound environmental regulation," Carper wrote Tuesday. He

asked for all documents related to the decision not to bring the scientists back.

HITCHING A RIDE: Sen. [Lindsey Graham](#) isn't picky about how Congress extends a nuclear production tax credit but thinks he may be able to craft a standalone bill packed with popular renewable energy and carbon capture credits to get it through the chamber. "Maybe [we'll] have a standalone bill that maybe is so popular you can get it done without a vehicle, but I'm looking for anything that comes through the Senate. Naming the post office, I'll put that on it," Graham quipped Tuesday.

STATES SUE OVER COAL LEASE LIFT: California, New York, New Mexico and Washington joined an earlier coalition of environmental activists in [suing](#) Interior over Zinke's order to lift the federal coal leasing moratorium, Pro's Alex Guillén [reports](#). They argue Zinke failed to conduct a new environmental review or update the program's decades-old one, in violation of the National Environmental Policy Act. And they say the agency should have studied whether the coal to be leased will get a fair market value as required under several laws.

MANCHIN CHALLENGED FROM THE LEFT: For the second time in two days, Sen. [Joe Manchin](#) has drawn a challenger — this time, from his left. Paula Jean Swarengin, the daughter of a coal miner and an environmental activist, faces a steep climb to beat the incumbent in the Democratic primary. "The question we face today is: What are we going to do when the coal is gone? And make no mistake, it's going. No one has given us an answer that doesn't require the sacrifice of our health and our environment. I believe our future is in building a 21st-century, clean economy," her [website](#) says.

EARLY PITCH ON APPROPS: More than 100 environmental organizations, including Clean Water Action, Earthjustice, the Sierra Club and the Union of Concerned Scientists, are sending [a letter](#) this morning to congressional appropriators urging them to keep funding for the agencies covered by the Interior, Environment and Related Agencies subcommittee at "no less than continued current funding levels."

MOVER, SHAKER: Sue Biniaz has joined the United Nations Foundation as the new senior fellow for climate change; she was the lead climate lawyer for the U.S. State Department for more than 25 years and played a key role in negotiating the Paris agreement. "She possesses an unsurpassed understanding of the legal nuances surrounding this and other critical international climate and environmental agreements, and is renowned for her ability to resolve the most contentious and seemingly intractable negotiating issues," Elizabeth Cousens, deputy chief executive officer of the foundation, said in a statement.

FOR SALE: BLM [announced](#) plans for a mid-June online auction for oil and gas leases on 196,000 acres in three Nevada counties, Pro's Esther Whieldon [reports](#). The 10-year leases are for 106 parcels in the BLM's Battle Mountain District in Nye, Lander and Eureka counties. The last auction for the district was held in June under the Obama administration for 50,415 acres and generated \$54,340.

SPOTTED: House Majority Leader [Kevin McCarthy](#) "on a tour of Lake Okeechobee watershed & Everglades restoration projects" in Florida, per Rep. [Francis Rooney](#).

REPORT: BIG BUCKS TO SAVE NAVAJO: The Institute for Energy Economics and Financial Analysis is out with [a report](#) today finding the Navajo Generating Station would require \$740 million to \$1 billion to keep open through 2022 and between \$1.4 billion and

\$2.4 billion in subsidies to stay open through 2030.

QUICK HITS

- McConnell: Coal miners have suffered the consequences of federal regulation. [Kentucky Today](#).
- Arctic Nations to Meet Amid Unsettled U.S. Stance on Climate Change. [New York Times](#).
- Tiffany & Co. takes direct aim at Trump in new ad calling for action on climate change. [Business Insider](#).
- Seeing 'chilling effect,' unions push back on ethics memo. [E&E News](#).

HAPPENING TODAY

10:30 a.m. — "[Conservation, Consultation, and Capacity: State Views on the Need to Modernize the Endangered Species Act](#)," Senate Environment and Public Works, 406 Dirksen

2:30 p.m. — Senate Energy and Natural Resources Committee [hearing](#) on various bills, 366 Dirksen

THAT'S ALL FOR ME!

**** A message from Trout Unlimited:** For over 100 years the Antiquities Act has been a bipartisan tool for conserving America's public lands and our outdoor heritage. Since the time President Theodore Roosevelt signed the Act into law, the Antiquities Act has provided for the long-term conservation of some of the best fish and wildlife habitat and hunting and angling opportunities in the country, spurring local economies. In these places, locally driven conservation efforts need to be preserved and celebrated. Currently, the Department of the Interior is reviewing national monuments designations. Secretary Zinke has strongly supported keeping America's public lands in public hands. Join us in showing him that we support upholding our national monuments: <http://bit.ly/2paVoYB> **

To view online:

<https://www.politicopro.com/tipsheets/morning-energy/2017/05/senate-primed-to-decide-methane-rules-fate-today-022756>

Stories from POLITICO Pro

Thune: 'Most' ethanol holdouts now ready to back methane CRA [Back](#)

By Anthony Adragna | 05/09/2017 03:14 PM EDT

Sen. [John Thune](#) (R-S.D.) said most of the corn state holdouts in the Senate were now ready to back a Congressional Review Act resolution to nullify an Obama-era methane rule after receiving assurances from Republican leadership that they would have a legislative path for a waiver to allow sales of 15 percent ethanol blended fuel year-round.

"I think most of us who are interested in that issue are probably in a place now where we're confident that we're going to get this dealt with," Thune said of the ethanol waiver. "I think most will be on board [with the methane CRA] but I can't speak for them all."

Thune has been part of a small bloc of Republicans, led by Sen. [Chuck Grassley](#) (R-Iowa), pushing for the waiver and withholding their support for the resolution axing BLM's rule aimed at curbing methane emissions from oil operations on public lands.

But he cautioned that "it'll be close" when asked about whether the GOP-led Senate had the votes to pass the CRA.

Even with the corn-state bloc, several key senators — [Cory Gardner](#) (R-Colo.) and [Heidi Heitkamp](#) (D-N.D.), chief among them — remained publicly undecided today.

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Zinke's methane CRA promise based on changing rule's cost [Back](#)

By Ben Lefebvre | 05/09/2017 05:26 PM EDT

Interior Secretary Ryan Zinke is promising that he will be able to design a methane rule to replace one Republicans are seeking to repeal under the controversial Congressional Review Act as long as it is based on a different economic impact.

Zinke helped convince Sen. [Rob Portman](#) (R-Ohio) to support the CRA resolution to repeal [an Obama-era rule](#) cracking down on methane flared from oil wells and pipelines by promising to address the lost revenue and the emissions of the gas.

But Zinke's reasoning hasn't been tested in court, and environmental groups are accusing Portman of exchanging his vote for promises President Donald Trump's administration may not keep.

Republicans have made repealing the methane rule a priority this year. Congress targeted it with the CRA, a law that was only successfully used once before Trump took office.

The House voted in February to use the CRA to do away with the methane rule, but it's been stuck since then in the Senate, where some senators have praised the rule for forcing oil and gas companies to capture more methane to sell, which generates royalties for government coffers.

Until Monday, Portman had said he was undecided on using the CRA, which some Republicans have criticized for going too far because it would pre-empt agencies from creating new rules "in substantially the same form" without specific authorization from Congress. Portman had [asked](#) Zinke for specific steps Interior would take to minimize methane emissions.

In his reply [letter](#), Zinke said he shared Portman's concerns and said BLM would look at new regulations curbing methane emissions even if the CRA repealed the Obama-era rule.

In meetings, the Interior Department assured Portman's office that any new rulemaking would not be substantially the same as the current rule, a source familiar with the discussions said.

Specifically, Interior staff told the senator that the economic impact of any new rule would be different from the current rule, as would the reasoning supporting any new rule, the source said.

That reasoning surprised at least one former Interior Department official.

"There's no interpretations of what that the 'substantially similar' language means. So that's total speculation on their part," said David Hayes, a fellow at the Center for American Progress and former deputy secretary and chief operating officer for Interior under former presidents Barack Obama and Bill Clinton. "One would think a regulation's operative provisions would determine what's substantially similar or not, not the economic analysis around it."

Environmental groups also pounced on Zinke's letter, saying the steps he promised would not have much impact on methane emissions. Those steps included promises to "engage in robust assessment" of methane flaring requirements, strengthen policies to encourage drillers to capture methane, and revise existing BLM flaring restrictions.

"The list of 'strategies' is so devoid of content that it acts to undercut, rather than bolster, the Secretary's assurances," Environmental Defense Action Fund Executive Director Fred Krupp said in an open letter to Zinke. "Only one potential action [on the list] could have any possible meaningful impact on methane waste, and the authority for that action may well be eliminated by use of the CRA."

Portman himself doesn't represent a large oil and gas constituency. Oil production in Ohio ranks below that of Kansas and Montana, according to government data. The state has only 2,000 wells that would be affected by the new rule, according to the [Ohio Oil And Gas Association](#), which supports the repeal.

But as the vote nears, pressure groups on both sides are trying to sway any last-minute votes. The trade association American Petroleum Institute reiterated its support for repealing the rule, while in Denver, Todd Mitchell, son of fracking pioneer George Mitchell, penned an op-ed in The Denver Post that was most likely aimed at Sen. [Cory Gardner](#) (R-Colo.), saying the methane rule was overall a good thing.

Earlier on Tuesday, Sen. [John Thune](#) (R-S.D.) said most of the corn state holdouts in the Senate were now ready to back the CRA resolution after receiving assurances from Republican leadership that they would have a legislative path for a waiver to allow sales of 15 percent ethanol blended fuel year-round.

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New FERC picks face a mountain of difficult business [Back](#)

By Darius Dixon | 05/09/2017 07:09 PM EDT

President Donald Trump's new picks for FERC should have little trouble winning Senate confirmation, and once they do they will face a mountain of decisions about the future of

power markets, the agency's relationship with the states, and its approach to enforcement.

Trump's long-awaited announcement that he would fill two vacancies on the five-seat commission couldn't have come soon enough for Sen. [Lisa Murkowski](#), who is angling for quick confirmation hearings before her Senate Energy and Natural Resources Committee.

"The FERC has been without a quorum since early February and they need the ability to get to work," Murkowski told reporters Tuesday.

Trump nominated Neil Chatterjee, a senior energy adviser to Senate Majority Leader [Mitch McConnell](#), and Robert Powelson, a Pennsylvania regulator with strong relationships in Congress, to the commission, but he has yet to tap a permanent FERC chairman. That position has been expected to go to Kevin McIntyre, a Jones Day lawyer who also is an expert in the Federal Power Act, FERC's core statute. In more than two decades with Jones Day, McIntyre has had a slew of energy industry clients, including South Carolina Electric & Gas Co. and SCANA Corp., making his financial disclosures and ethics paperwork more complicated than those who have been in government for several years.

The agency has been experiencing a traffic jam of energy infrastructure projects needing the leadership's blessing.

"We are already building up quite a backlog," acting FERC Chairwoman Cheryl LaFleur said recently, noting that there'd been a steep drop-off in the number of orders issued since former Chairman Norman Bay's resignation in February dropped it to two members, preventing a quorum needed to conduct a lot of its most critical business.

Many of those orders, dealing with issues such as interstate natural gas pipeline projects and contested electricity rate plans, still require followup decisions to be made when more leaders are brought on. To help ease the agency's pileup, staff have been lining up draft orders for new commissioners to review as soon as they're sworn in.

Perhaps the biggest issue looming over the agency is how it plans to address a growing number of state-level policies tailored to specific energy sources — such as nuclear incentive programs recently approved in New York and Illinois — that are complicating the markets under FERC's jurisdiction.

The Electric Power Supply Association, which represents independent generators, filed complaints in January calling on FERC to ensure electricity prices in upcoming spring auctions in the [New York](#) and the mid-Atlantic area [PJM Interconnection](#) markets were not artificially lowered by state programs that subsidize struggling nuclear plants. But until at least one new member is confirmed, FERC's hands are tied.

Meanwhile, Ohio, Connecticut, New Jersey and Pennsylvania have all started to mull their options for helping power plants in their states just as state regulators and a broad swath of the energy industry has increasingly [looked to FERC for policy guidance](#).

Presidents and Congress typically aim to achieve geographic balance at FERC, and Powelson would be the only representative of a PJM state if he is confirmed.

In addition to being the largest power market overseen by FERC, PJM may test how the agency irons out differences — or butts head with —with states crafting lifelines for power

plants. And Powelson has called for market operators to take a more forceful role in addressing issues such as aiding nuclear power through carbon pricing rather than leaving states to take bites out of the markets.

"I think it creates a bastardized market construct and at the end of the day, this issue is best resolved with the RTO — in our case PJM — putting that value on carbon and dealing with it," Powelson said in an [interview](#) with POLITICO last fall. "Sheepishly, RTOs are putting their heads down in the sand and not saying a word."

Carbon pricing got a lot of [airtime](#) at FERC's recent technical conference as perhaps the most market-friendly way to support nuclear power. Still, it was also clear that states within the same electricity market, like New England, couldn't agree on moving ahead with carbon pricing.

Another part of the policy deluge the new commissioners will feel pressure to act on is the agency's closely watched price formation initiative, which focuses on developing new market rules that boost how power plants are paid in an increasingly complex grid. That initiative, which was launched following the 2013-14 polar vortex that caused electricity prices in the Northeast to skyrocket, has been eyed particularly by companies with around-the-clock baseload power plants, like the nuclear industry.

The FERC vacancies also exacerbated [uncertainty](#) surrounding the commission's work to protect energy markets against alleged manipulation. Once a new commissioner is confirmed — and a permanent chairman in place — leaders will have to decide how to respond to recent court losses over how they run enforcement cases. While FERC lawyers handle the particulars of each case, the commission leadership will have to debate any overarching change to its enforcement strategy, particularly if judges are going to force them to practically build the cases from scratch again.

FERC Commissioner Colette Honorable also recently announced that she will leave the agency later this year. Her departure provides another opening for Trump to fill but because FERC's board can't have more than three members of the same political party, tradition indicates that Democrats will pick who fills the seat.

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EPA proposes letting North Dakota regulate carbon injection [Back](#)

By Eric Wolff | 05/09/2017 11:14 AM EDT

EPA has proposed a rule to grant North Dakota primacy on regulating long-term storage of captured carbon, Sen. [John Hoeven](#) said in a statement today.

North Dakota has been among the leaders in developing policy to regulate the storage of captured carbon deep in rock formations, and the issue was a priority of Hoeven's when he was governor. The state passed legislation to address questions on carbon dioxide storage in 2009 and 2013. North Dakota first applied to become the primary regulator of long-term storage wells, called Class VI wells, in 2013.

"We've worked since 2008 to develop a states-first approach to regulating geological sequestration, which will help our energy industry, both traditional and renewable, to develop new technologies for storing CO2," Hoeven said in a statement. "This is important as we work to develop clean coal technologies, as well as projects to sequester CO2 from ethanol production."

Carbon capture and storage is a long-term goal of the coal industry, as it would allow the continued burning of coal should regulators step up carbon dioxide regulation.

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Blankenship portrays himself as 'political prisoner' in new booklet [Back](#)

By Alex Guillén | 10/05/2016 11:57 AM EDT

Coal magnate Don Blankenship says he is a "political prisoner" just weeks before his appeal will make its way before a federal court.

In a [blog post](#) and 68-page [booklet](#) published online, the former Massey CEO — now serving a one-year sentence in California for a misdemeanor conviction related to the 2010 Upper Big Branch mine disaster that killed 29 people — alleges that he was specifically targeted by prosecutors as "an American Political Prisoner."

The pamphlet argues that the Mine Safety and Health Administration was actually responsible for the blast, a claim he made previously in a self-produced 51-minute [video](#).

"The question to all of us is, do we care enough to do something when the government lies about a mine tragedy and imprisons an innocent man for exercising his freedom of speech?" Blankenship writes.

Blankenship said he will send 250,000 copies of the booklet to unnamed recipients. Along with a lengthy description of how Blankenship says federal prosecutors and the courts "railroaded" him, the booklet includes several favorable press clippings, as well as pages of supportive quotes from coal miners. It also swipes at President Barack Obama for calling the disaster a management failure and at Hillary Clinton for saying Blankenship received a light sentence.

The 4th Circuit Court of Appeals will hear Blankenship's appeal on Oct. 26.

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Four states sue to block lifting of coal leasing moratorium [Back](#)

By Alex Guillén | 05/09/2017 03:28 PM EDT

Four states today [sued](#) the Interior Department over Secretary Ryan Zinke's order to lift the federal coal leasing moratorium

California, New York, New Mexico and Washington filed the lawsuit in the U.S. District Court for Montana — Zinke's home state and a producer of coal from the Powder River Basin.

Interior failed to conduct a new environmental review or update the program's decades-old one, in violation of the National Environmental Policy Act, the states argued. They also said Interior should have studied whether the coal to be leased will get a fair market value as required under several laws. Zinke has said previously he will continue the three-year-long program review started under the Obama administration.

The states ask the court to block Zinke's order, which was issued following an executive order from President Donald Trump, and to resume the leasing moratorium.

A coalition of environmental groups in March [also sued](#) over the lifting of the moratorium.

WHAT'S NEXT: A federal judge in Montana will consider the suits and whether to reinstate the moratorium.

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BLM to auction off oil, gas leases in Nevada [Back](#)

By Esther Whieldon | 05/09/2017 05:02 PM EDT

BLM today [announced](#) it will hold an online auction in mid-June for oil and gas leases on 196,000 acres in three Nevada counties.

The 10-year leases are for 106 parcels in the BLM's Battle Mountain District in Nye, Lander and Eureka counties, and will include annual rental fees of \$1.50 per acre for the first five years and \$2 per acre after that until production begins. Once a developer is pulling oil or natural gas from the land, it will pay a 12.5 percent royalty fee.

The next oil and gas sale is scheduled for the week of Sept. 11. The last auction for the district was held in June under the Obama administration for 50,415 acres and generated \$54,340.

WHAT'S NEXT: BLM will hold the online auction on June 13.

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Yes, very



Somewhat



Neutral



Not really



Not at all

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